UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America
v.
Ismelda MUNOZ Cosme
(A.K.A) Iris MORALES

Defendant

Case No. 1:16MJ250-1

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/15/2016 in the county of Chatham in the Middle District of North Carolina, the defendant violated 42 U. S. C. § 408(a)(7)(B) an offense described as follows:

with intent to deceive, falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him or to such other person

This criminal complaint is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

Complainant's signature

Luis Castrillon, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/6/16 11:15AM

Judge's signature

City and state: Durham, North Carolina

Joe L. Webster, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, Luis Castrillon, am a Special Agent (S/A) of the Department of Homeland Security (DHS) under Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been employed for approximately five and a half (5 1/2) years and have completed the Criminal Investigator Training Program held at the Federal Law Enforcement Training Center, Glynco, GA. Previous to my appointment as an S/A, I was a U.S. Postal Inspector with the United States Postal Inspection Service for approximately six and a half (6 1/2) years. As part of my duties I conducted investigations related to controlled substances trafficking, identity theft, mail and wire fraud, violent crimes, and other violations. I am currently assigned to the HSI Resident Agent in Charge Raleigh, North Carolina Field Office (ICE RAC/RA) and my duties include investigating violations of Title 8, Title 18, Title 19 and Title 21 of the United States Code to include violations of Immigration offenses, contraband of prohibited goods into the United States, attempting to obtain U.S. visas by fraud, making false statements, and intellectual property rights infringements. In addition, I completed Graduate School at the University of New Haven, West Haven, CT, where I obtained a Master of Science in Forensic Science degree.

2. This affidavit is submitted as evidence of the probable cause supporting the arrest warrant for Ismelda MUNOZ Cosme, also known as "Iris MORALES" for with intent to deceive, falsely represented a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number was not the social security account number assigned by the Commissioner of Social Security to him or to such other person, in violation of Title 42, United States Code, Section 408(a)(7)(B).

3. This affidavit is based upon information from my personal involvement in the investigation, supplied to me by other law enforcement officers, reviewing law enforcement reports, and surveillance. This affidavit does not set forth all

information known to HSI, about this case and is being submitted solely for the purpose of providing sufficient information to establish probable cause for support of a criminal complaint against VELASQUEZ-Flores for the above-mentioned violation.

Background

4. On July 2, 2016, your affiant received information from Siler City Police Department (SCPD) regarding an incident report filed by Rebeca Cardenas with the Marion County Sheriff's Office in South Carolina. Cardenas reported that while attempting to renew her government assistance with the South Carolina Department of Social Services (DSS), DSS showed that she allegedly was employed at McDonalds located at 1703 East 11th Street, Siler City, North Carolina, 27344.

5. In the course of this investigation, SCPD travelled to McDonalds located at 1703 East 11th Street, Siler City, North Carolina, 27344 and subsequently identified a young Hispanic female working under Cardenas name. This female was identified as Dora Velasquez-Flores.

6. On July 19, 2016, your affiant arrested Velasquez-Flores for violations of Title 42, United States Code, Section 408(a)(7)(B), misuse of social security number. Prior to interview, conducted in the Spanish language, Velasquez-Flores was advised of her Miranda rights. Velasquez-Flores also waived her rights by signing a warning and waiver form in the Spanish language. In the interview that followed, Velasquez-Flores stated that a McDonald's employee named "Porfiria" had hired her and gave her Cardenas' name to use for work purposes. Velasquez-Flores advised that she copied down Cardenas' name and other numbers from "Porfiria's" cell phone on a piece of paper.

7. Your affiant viewed the information written down by VELASQUEZ on this piece of paper and that information consisted of CARDENAS name, date of birth and social security number.

Investigation

8. Your affiant requested all Department of Homeland Security (DHS) - United States Citizenship and Immigration Service (USCIS), Employment Eligibility Verification forms (Form I-9), verified and completed by "Porfiria". The Form I-9s were

requested from an authorized representative for McDonald's who forwarded Form I-9s for approximately 40 employees.

9. Your affiant reviewed Form I-9 in the name of Iris MORALES with date of birth XX-XX-1969 and social security number XXX-XX-8762. This Form I-9 was electronically signed by MORALES on March 15, 2016.

10. Section 2 of Form I-9 indicates that MORALES presented social security card XXX-XX-8762 and State of North Carolina Driver's License XXXX456 to prove authorization to work in the United States.

11. Form I-9 shows that on March 15, 2016, McDonald's Department Manager II, Porfiria Rodriguez verified these identity documents.

12. Your affiant conducted a Law Enforcement database query an identified that State of North Carolina Identification Card numbered XXXX456, was an inactive driver's license number issued to another person.

13. On October 4, 2016, your affiant and other law enforcement agents travelled to MORALES'S residence, XXX Sheffield, Siler City, NC and encountered an unknown Hispanic female. Upon answering the door, agents identified themselves as law enforcement agents and requested to speak with MORALES. The female advised that MORALES did not live at the residence. Your affiant advised that he had information that MORALES lived there and asked the Hispanic female for identification. The Hispanic female said her name was Ismelda MUNOZ and went inside to grab her identification documents. She returned with a Mexican passport and Mexican Matricula card. Both of the documents bore the name Ismelda MUNOZ Cosme and a photograph of the Hispanic female. MUNOZ allowed agents to enter her home.

14. Your affiant asked MUNOZ if she had any documentation giving her permission to be in the United States. MUNOZ advised she did not.

15. Your affiant took a photograph of MUNOZ'S passport photo and forwarded it to a McDonald's representative. The photo was shown to a McDonald's manager who identified MUNOZ as

the person who worked at McDonald's under the name of Iris MORALES.

16. Your affiant transported MUNOZ to the Homeland Security Investigations Office in Cary, NC for immigration processing. Records indicated that MUNOZ had no record of legal entry in to the United States and had no prior encounter with immigration officials. Alien File XXX XXX 417 was created in her name.

Conclusion

11. Based on all of the foregoing, your affiant submits that there is ample probable cause to believe that Ismelda MUNUZ Cosme, also known as "Iris MORALES", is in fact guilty of intent to deceive, falsely represented a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number was not the social security account number assigned by the Commissioner of Social Security to him or to such other person, in violation of Title 42, United States Code, Section 408(a)(7)(B), and respectfully ask that the Court issue a warrant ordering her arrest for such crime.

Further your affiant sayeth not.

Luis Castrillon
Special Agent
Homeland Security Investigations

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 6th DAY OF October 2016. 11:15 AM

JOE L. WEBSTER
United States Magistrate Judge
Middle District of North Carolina